

Agenda Date: November 12, 2003
Item Number: C1

Docket: A-010648

RE: **Rulemaking: Chapter 480-04 WAC—Public Access to Information and Documents, and Chapter 480-09 WAC-- Procedure**

Staff: Dennis J. Moss, Review Judge (Lead; Administrative Law Division)
Glenn Blackmon, Assistant Director Telecommunications (Regulatory Services Division)
Karen Caillé, Administrative Law Judge (Administrative Law Division)
Paul Curl, Deputy Director (Regulatory Services Division)
Vicki Elliot, Assistant Director (Consumer Affairs)
Graciela Etchart, Utility Rate Research Specialist (Regulatory Services Division)
Nicolas Garcia, Policy Specialist (Policy Research Office)
Kathy Hunter, Records Center Manager (Records Center)
Jeffrey Showman, Knowledge Manager (Policy Research Office)
Tim Sweeney, Public Outreach Coordinator (Public Affairs)
Mary Tennyson, Senior Assistant Attorney General (Office of the Attorney General)

Status:

The adoption hearing concerning the supplemental CR-102 in this rulemaking is scheduled for today, November 12, 2003. The supplemental CR-102 is essentially technical. It conforms all other Commission WAC's so that they refer to the revised Chapter 480-04 WAC, and new Chapter 480-07 WAC that were the subject of an adoption hearing on September 24, 2003. The supplemental CR-102 also proposes editorial changes to WAC 480-07-140, as considered on September 24, 2003. These changes to WAC 480-07-140 would establish standard file-naming conventions for electronic documents that are filed with the Commission.

Staff is ready, at your direction, to circulate a Rule Adoption Order for your review and signatures. The Order would adopt the revisions that are included in both the CR-102, considered at the adoption hearing on September 24, 2003, and the supplemental CR-102, under consideration today. Thus, the Order would adopt revisions to Chapter 480-04 WAC, the Commission's rules governing public access to information and records, and would repeal and replace the Commission's procedural rules (Chapter 480-09 WAC)

with new Chapter 480-07 WAC, and would revise all other chapters of the WAC that refer to Chapter 480-04 WAC, or the Commission's procedural rules, so that correct cross-references are in place. The Order would provide for all rules revisions to be effective on January 1, 2004.

Discussion:

On September 24, 2003, you conducted an adoption hearing in Docket No. A-010648 concerning proposed rules revisions included in the CR-102 Notice published on September 3, 2003, at WSR #03-17-100. The Notice of Proposed Rulemaking (CR-102) would reorganize, revise, repeal, and adopt rules governing the conduct of business before the Commission, including rules governing formal proceedings.

In addition, you considered Staff's proposal that the Commission direct the Secretary to file a Supplemental Notice of Proposed Rulemaking (CR-102) with the office of the Code Reviser in Docket No. A-010648 proposing revisions to Chapters 480-14, 480-15, 480-30, 480-31, 480-51, 480-60, 480-62, 480-66, 480-70, 480-75, 480-80, 480-90, 480-92, 480-100, 480-110, 480-120, 480-121, and 480-140 WAC that will update cross references to revised Chapter 480-04 WAC, and to the Commission's procedural rules in new Chapter 480-07 WAC.

The Commission took the question of adopting the CR-102 proposed rules under advisement and directed the Secretary to file a supplemental CR-102. The Supplemental Notice of Proposed Rulemaking (CR-102) was filed with the office of the Code Reviser on October 1, 2003, at WSR #03-20-117.

The supplemental CR-102 Notice provided interested persons an opportunity to file written comments. Commission Staff undertook additional review of the proposed rules revisions and considered all comments, as discussed below.

Comments

The Commission received written comments concerning the rules revisions proposed via the supplemental CR-102 from Public Counsel. Public Counsel stated its support for adoption of the rule changes.

Conclusion

Staff has drafted a Rule Adoption Order and, at your direction, will circulate the Order for your review and signatures. The Order would revise Chapter 480-04 WAC, the Commission's rules governing public access to information and records, and to repeal and replace the Commission's procedural rules (Chapter 480-09 WAC) with new Chapter 480-07 WAC. The Order would also revise Chapters 480-14, 480-15, 480-30, 480-31, 480-51, 480-60, 480-62, 480-66, 480-70, 480-75, 480-80, 480-90, 480-92, 480-100, 480-110, 480-120, 480-121, and 480-140 WAC to update cross references to revised Chapter 480-04 WAC, and to the Commission's procedural rules in new Chapter 480-07 WAC. The Order must be filed with the Code Reviser by November 26, 2003, to achieve a January 1, 2004, effective date for all rules revisions.

Attachment: Appendix A